OFFICE OF THE MISSISSIPPI SECRETARY OF STATE BUSINESS REGULATION AND ENFORCEMENT DIVISION

IN THE MATTER OF:)
THE DECLARATION FOUNDATION	Administrative Proceeding Number: C-06-0503)
RESPONDENT	j ,

FINAL ORDER DENYING REGISTRATION AND ORDER IMPOSING ADMINISTRATIVE PENALTY

The SECRETARY OF STATE OF MISSISSIPPI, by and through Patricia

Melvin, Senior Attorney for the Business Regulation and Enforcement Division

(hereinafter "Division"), hereby issues this Final Order Denying Registration and Order

Imposing Administrative Penalty to THE DECLARATION FOUNDATION (hereinafter

"TDF") and in support hereof, states the following.

I. JURISDICTION

The Mississippi Charitable Solicitations Act, codified at Miss. Code Ann. §79-11-501, et. seq. (2001) (hereinafter "Act"), gives the authority to the Secretary of State to regulate "charitable organizations" that solicit donations in the State of Mississippi.

Section 79-11-501(a)(i) of the Act provides the following:

- (a)(i) "Charitable organization" means either of the following:
 - (A) Any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
 - (B) Any person actually or purporting to be established for any voluntary health and welfare, benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental

conservation, civic, or other eleemosynary purpose or for the benefit of law enforcement personnel, fire fighters, or other public safety organizations, or any person employing in any manner a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation and includes each local, county or area division within this state of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization.

TDF has been granted tax exempt status under Section 501(c)(3) of the Internal Revenue Code. TDF is dedicated to restoring the principles of the Declaration of Independence to their rightful place in American life. For these reasons, the entity falls within the Act's definition of "charitable organization." Thus, TDF is subject to the Secretary of State's regulatory authority.

II. FINDINGS OF FACT

 The following are the treasurer and the attorney for TDF and the addresses at which they may be served with this Final Order Denying Registration and Order Imposing Administrative Penalty:

> Mr. William L. Constantine Treasurer and CFO The Declaration Foundation 2400 Earlsgate Court Reston, VA 20191

Maureen E. Otis, Esquire Law Offices of Maureen E. Otis, P.C. 4850 Wright Road, Suite 168 Stafford, TX 77477

- Prior to May 18, 2006, TDF was a registered charity with the Mississippi
 Secretary of State.
- 3. That registration lapsed on May 18, 2006, due to TDF's failure to file the necessary renewal information prior to the expiration date.

- 4. On November 6, 2006, the Division received an incomplete Charitable

 Organization Registration Statement. The registration packet did not include a notarized statement of solicitations as provided for in Mississippi Charities Act Rule 205(E).
- 5. Pursuant to Miss. Code Ann. Section 79-11-503(6), solicitations made by a charitable organization during a period of non-registration are illegal. Therefore, the Division requires certain information about solicitation activity during any periods of non-registration pursuant to Mississippi Charities Act Rule 205(E).
- 6. On November 16, 2006, the Division notified TDF of the expiration of the registration on May 18, 2006, and the information required before the Division could renew the registration. A copy of the November 16, 2006, letter from Kendra Murray is attached as Exhibit "A".
- 7. TDF had not submitted the above mentioned information to the Division, as of January 25, 2007, nor had TDF notified the Division regarding its intentions.
- 8. On January 25, 2007, the Division issued a Notice of Intent to Deny Registration and Impose Administrative Penalty (hereinafter "NOI") against TDF. The NOI is affixed hereto as Exhibit "B". The NOI indicates that TDF shall have thirty (30) days from the date of receipt of the NOI to give written notice to the Division requesting a hearing on the matters contained in the NOI.
- The Division received certified mail return receipts for service of the NOI on both Mr. William L. Constantine and Ms. Maureen E. Otis.
 - 10. To date, TDF has not contacted the Division regarding the NOI.
- 11. Because TDF failed to respond within the time allowed by the applicable rules, the Division issues this Final Order Denying Registration and Order Imposing Administrative Penalty.

III. APPLICABLE LAW

- 8. Miss. Code Ann. Section 79-11-509(1)(e) states:
 - (1) The Secretary of State shall deny, suspend or revoke a registration or an exemption for the following reasons:

* * *

- (e) The applicant or registrant has violated or failed to comply with any provisions of this chapter or any rule or order thereunder.
- 9. Pursuant to Miss. Code Ann. Section 79-11-503(4)(6), solicitations made during a period of non-registration are illegal. It states as follows:
 - (4) Such registration shall remain in effect for one (1) year, unless renewed by the filing of forms as prescribed by the Secretary of State and upon payment of the Fifty Dollars (\$50.00) renewal fee.

* * *

- (6) In no event shall a registered charitable organization continue to solicit contributions in or from this state after the date such organization should have filed, but failed to file, a renewal and the financial report in accordance with the requirements of Section 79-11-501 through 79-11-529.
- 10. Mississippi Charities Act Rule 201(E) provides as follows:

A notarized statement of solicitations must be submitted with the Registration Statement (Form URS) if the renewal is late. When the renewal is received after the expiration of the Certificate of Registration, a statement detailing the solicitations made during the period of nonregistration must be submitted. The statement must contain the donations pledged and donations received from Mississippi residents. If no solicitations were made, the statement must affirm that no solicitations were made during the period of non-registration. For purposes of this subsection, the period of non-registration shall mean the date on which the Certificate of Registration expired through the date on which the Division receives the complete renewal package. A renewal is not considered complete and will not be further processed until the Division has received all the required documentation, including the statement of solicitations.

11. In addition to the remedies provided in Section 79-11-509(1) set out above, Miss. Code Ann. Section 79-11-509(4) provides that a charitable organization that solicits during a period of non-registration may be subject to an administrative penalty up to a maximum of Twenty-five thousand dollars (\$25,000.00) for each solicitation made during a period of non-registration.

IV. CONCLUSIONS OF LAW

Because TDF failed to file a renewal and the financial report prior to the expiration of its prior certificate of registration; and because TDF has failed to provide information on its solicitation activity during the period of non-registration, the Division must deny TDF's application for registration pursuant to Miss. Code Ann. 79-11-509(1)(e).

V. PUBLIC INTEREST

The actions taken herein by the Secretary of State are in the public interest and are consistent with the purposes set out in Miss. Code. Ann. §79-11-501, *et seq.* (2001).

VI. ORDER

IT IS THEREFORE ORDERED, pursuant to the authority set out in Section 79-11-501 through Section 79-11-529 of the Act, that Respondent TDF shall permanently be **DENIED REGISTRATION with the State of Mississippi** in connection with solicitations of charitable contributions. In addition, IT IS FURTHER ORDERED, pursuant to authority set out in the Act, that an administrative penalty is imposed on TDF in the amount of Twenty Five Thousand Dollars (\$25,000.00) payable to the "Mississippi"

Secretary of State" within fifteen (15) days from the receipt of this Final Order Denying Registration and Order Imposing Administrative Penalty.

BE ADVISED THAT, a willful violation of this Final Order Denying

Registration and Order Imposing Administrative Penalty may be punishable upon

conviction by a fine of not more than Twenty-Five Thousand Dollars (\$25,000.00) or five

(5) years imprisonment, or both, in addition to civil and administrative remedies available to the Division.

ISSUED, this, the day of June, 2007.

ERIC CLARK Secretary of State

BY:

PATRICIA MELVI

Senior Attorney

Business Regulation and Enforcement

Patricia Melvin, MSB #2865 Mississippi Secretary of State's Office 700 North Street Post Office Box 136 Jackson, Mississippi 39205-0136 Tel. (601)359-1650 Fax (601)359-1499

CERTIFICATE OF SERVICE

I, Patricia Melvin, do here by certify that I have this day mailed via Certified Mail, postage pre-paid, a true and correct copy of the Final Order Denying Registration and Order Imposing Administrative Penalty to the following:

Mr. William L. Constantine Treasurer and CFO The Declaration Foundation 2400 Earlsgate Court Reston, VA 20191

Maureen E. Otis, Esquire Law Offices of Maureen E. Otis, P.C. 4850 Wright Road, Suite 168 Stafford, TX 77477

This, the day of June, 2007.

PATRICIA MELVIN Senior Attorney

Business Regulation and Enforcement

Patricia Melvin, MSB# 2865 Mississippi Secretary of State's Office 700 North Street Post Office Box 136 Jackson, Mississippi 39205 Tel. (601) 359-1650 Fax. (601) 359-1499

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE BUSINESS REGULATION AND ENFORCEMENT DIVISION

IN THE MATTER OF:)
THE DECLARATION FOUNDATION	Administrative Proceeding Number: C-06-0503)
RESPONDENT)

NOTICE OF INTENT TO DENY REGISTRATION AND IMPOSE ADMINISTRATIVE PENALTY

The SECRETARY OF STATE OF MISSISSIPPI, by and through James O.

Nelson, II, Assistant Secretary of State for the Business Regulation and Enforcement

Division (hereinafter "Division"), hereby issues this Notice of Intent to Deny Registration
and Impose Administrative Penalty to THE DECLARATION FOUNDATION

(hereinafter "TDF") and in support hereof, states the following.

I. JURISDICTION

The Mississippi Charitable Solicitations Act, codified at Miss. Code Ann. §79-11-501, *et. seq.* (2001) (hereinafter "Act"), gives the authority to the Secretary of State to regulate "charitable organizations" that solicit donations in the State of Mississippi.

Section 79-11-501(a)(i) of the Act provides the following:

- (a)(i) "Charitable organization" means either of the following:
 - (A) Any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
 - (B) Any person actually or purporting to be established for any voluntary health and welfare, benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental

conservation, civic, or other eleemosynary purpose or for the benefit of law enforcement personnel, fire fighters, or other public safety organizations, or any person employing in any manner a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation and includes each local, county or area division within this state of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization.

TDF has been granted tax exempt status under Section 501(c)(3) of the Internal Revenue Code. TDF is dedicated to restoring the principles of the Declaration of Independence to their rightful place in American life. For these reasons, the entity falls within the Act's definition of "charitable organization." Thus, TDF is subject to the Secretary of State's regulatory authority.

II. FINDINGS OF FACT

1. The following are officers and directors and the addresses at which they may be served with this Notice of Intent to Deny Registration:

Mr. William L. Constantine Treasurer and CFO The Declaration Foundation 2400 Earlsgate Court Reston, VA 20191 Ms. Mary Parker Lewis Executive Director The Declaration Foundation 4700 Surry Place Alexandria, VA 22304

Maureen E. Otis, Esquire Law Offices of Maureen E. Otis, P.C. 4850 Wright Road, Suite 168 Stafford, TX 77477

- Prior to May 18, 2006, TDF was a registered charity with the Mississippi Secretary of State.
- 3. That registration lapsed on May 18, 2006, due to TDF's failure to file the necessary renewal information prior to the expiration date.

- 4. On November 6, 2006, the Division received an incomplete Charitable Organization Registration Statement. The registration packet did not include a notarized statement of solicitations as provided for in Mississippi Charities Act Rule 205(E).
- 5. Pursuant to Miss. Code Ann. Section 79-11-503(6), solicitations made by a charitable organization during a period of non-registration are illegal. Therefore, the Division requires certain information about solicitation activity during any periods of non-registration.
- 6. On November 16, 2006, the Division notified TDF of the expiration of the registration on May 18, 2006, and the information required before the Division could renew the registration. A copy of the November 16, 2006, letter from Kendra Murray is attached as Exhibit "A".
 - 7. To date, no response has been received by the Division.

III. APPLICABLE LAW

- 8. Miss. Code Ann. Section 79-11-509(1)(e) states:
 - (1) The Secretary of State shall deny, suspend or revoke a registration or an exemption for the following reasons:

* * *

- (e) The applicant or registrant has violated or failed to Comply with any provisions of this chapter or any rule or order thereunder.
- 9. Pursuant to Miss. Code Ann. Section 79-11-503(4)(6), solicitations made during a period of non-registration are illegal. It states as follows:

(4) Such registration shall remain in effect for one (1) year, unless renewed by the filing of forms as prescribed by the Secretary of State and upon payment of the Fifty Dollars (\$50.00) renewal fee.

* * *

- (6) In no event shall a registered charitable organization continue to solicit contributions in or from this state after the date such organization should have filed, but failed to file, a renewal and the financial report in accordance with the requirements of Section 79-11-501 through 79-11-529.
- 10. Mississippi Charities Act Rule 201(E) provides as follows:

A notarized statement of solicitations must be submitted with the Registration Statement (Form URS) if the renewal is late. When the renewal is received after the expiration of the Certificate of Registration, a statement detailing the solicitations made during the period of nonregistration must be submitted. The statement must contain the donations pledged and donations received from Mississippi residents. If no solicitations were made, the statement must affirm that no solicitations were made during the period of non-registration. For purposes of this subsection, the period of non-registration shall mean the date on which the Certificate of Registration expired through the date on which the Division receives the complete renewal package. A renewal is not considered complete and will not be further processed until the Division has received all the required documentation, including the statement of solicitations.

11. In addition to the remedies provided in Section 79-11-509(1) set out above, Miss. Code Ann. Section 79-11-509(4) provides that a charitable organization that solicits during a period of non-registration may be subject to an administrative penalty up to a maximum of Twenty-five thousand dollars (\$25,000.00) for each solicitation made during a period of non-registration.

IV. CONCLUSIONS OF LAW

Because TDF failed to file a renewal and the financial report prior to the expiration of its prior certificate of registration; and because TDF has failed to provide information on its solicitation activity during the period of non-registration, the Division must deny TDF's application for registration pursuant to Miss. Code Ann. 79-11-509(1)(e).

V. NOTICE OF INTENDED ACTION

- 1. Please note that the Secretary of State intends to deny TDF's registration pursuant to Miss. Code Ann. §79-11-509(1)(e).
- 2. Further, pursuant to Miss. Code Ann. Section 79-11-509(4), the Secretary of State intends to impose an administrative penalty upon the Respondent.

VI. RIGHT TO ADMINISTRATIVE HEARING

Respondent may request an administrative hearing in this matter. Any such request shall be made in writing to James O. Nelson, II, Assistant Secretary of State, Office of Secretary of State, Post Office Box 136, Jackson, Mississippi 39205, within thirty (30) days from the date of receipt of this Notice of Intent to Deny Registration. If an administrative hearing is requested, written notice of the date, time, and place, will be given to all parties by certified mail, return receipt request requested. Said notice will also designate a Hearing Officer.

VII. PUBLIC INTEREST

The actions taken and proposed to be taken herein by the Secretary of State are in the public interest and are consistent with the purposes set out in Miss. Code. Ann. §79-11-501, et seq. (2001).

VIII. RIGHT TO AMEND

The Secretary of State hereby reserves the right to amend this Notice of Intent to Deny Registration.

ISSUED, this, the day of January, 2007.

ERIC CLARK Secretary of State

BY:

JAMES O. VELSON, II

Assistant Secretary of State

Business Regulation and Enforcement

Patricia Melvin, MSB #2865 Mississippi Secretary of State's Office 700 North Street Post Office Box 136 Jackson, Mississippi 39205-0136 Tel. (601)359-1650 Fax (601)359-1499

CERTIFICATE OF SERVICE

I, Patricia Melvin, do here by certify that I have this day mailed via Certified Mail, postage pre-paid, a true and correct copy of the Notice of Intent to Deny Registration to the following:

Mr. William L. Constantine Treasurer and CFO The Declaration Foundation 2400 Earlsgate Court Reston, VA 20191 Ms. Mary Parker Lewis Executive Director The Declaration Foundation 4700 Surry Place Alexandria, VA 22304

Maureen E. Otis, Esquire Law Offices of Maureen E. Otis, P.C. 4850 Wright Road, Suite 168 Stafford, TX 77477

This, the day of January, 2007.

PATRICIA MELVIN

Senior Attorney

Business Regulation and Enforcement

Patricia Melvin, MSB# 2865 Mississippi Secretary of State's Office 700 North Street Post Office Box 136 Jackson, Mississippi 39205 Tel. (601) 359-1650 Fax. (601) 359-1499



STATE OF MISSISSIPPI SECRETARY OF STATE ERIC CLARK November 16, 2006

TELEPHONE (601) 359-1350 FACSIMILE (601) 359-1499

Via Facsimile

Mrs. Mary Parker Lewis Declaration Foundation 2400 Earlsgate Court Reston, VA 20191

700 NORTH STREET

POST OFFICE BOX 136

JACKSON, MISSISSIPPI 39205-0136

Dear Mrs. Lewis:

Our office has received a Charitable Organization Registration Statement for Declaration Foundation. This organization was previously registered with the Mississippi Secretary of State's Office. However, registration renewal information was not received prior to the expiration date. Therefore, the registration expired on 5/18/2006.

Pursuant to Miss. Code Ann. § 79-11-503, solicitations made by a charitable organization during a period of non-registration are illegal. Further, Miss. Code Ann. § 79-11-509(4) provides that a charitable organization that solicits during a period of non-registration may be subject to an administrative penalty up to a maximum of Twenty-five Thousand Dollars (\$25,000) for each solicitation made during a period of non-registration.

Before your registration renewal can be processed, we <u>must</u> receive the following information:

- the number of solicitations made to Mississippi residents during the period of non-registration,
- the number of donations and pledges received from Mississippi residents during the period of non-registration, and
- the total amount of the donations and pledges received from Mississippi residents during the period of non-registration, or
- submit a <u>notarized</u> statement or affidavit of non-solicitation if solicitations were not made in Mississippi during the period of non-registration (5/18/2006 through present).

This information is due in our office by 5:00 p.m. on Thursday November 30, 2006. If you have questions, please contact me at (601) 359-6371 or by email at kmurray@sos.state.ms.us.

Kendra Murray

Business Regulation and Enforcement





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Is it time to reorder? Please contact your supplier

DIRECTION OF FEED	_
OFFEED	

\$0.39 POSTAGE POSTMARK OR DATE \$3.70 RETURN RESTRICTED DELIVERY FEE \$2.40 RECEIPT CERTIFIED FEE SERVICE \$1.85 RETURN RECEIPT FEE \$8.34 SENT TO: TOTAL POSTAGE AND FEE'S Ms. Mary Parker Lewis **Executive Director** The Declaration Foundation 4700 Surry Place Alexandria, VA 22304 1/26/2007 1:17 PM

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PS FORM 3800



COMPLETE THIS SECTION ON DELIVERY

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(SEE OTHER SIDE)

2. Article Number

7115 4411 7551 6000 0062

1. Article Addressed to:

Ms. Mary Parker Lewis **Executive Director** The Declaration Foundation 4700 Surry Place Alexandria, VA 22304 1/26/2007 1:17 PM

A. Signature	☐ Agent ☐ Addressee
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from If YES enter delivery address be	to the second se
3. Service Type	Certified

4. Restricted Delivery? (Extra Fee)

PS Form 3811

UNITED STATES POSTAL SERVICE



First-Class Mail Postage & Fees Paid USPS Permit No. G-10

Yes

Cindy Sumrall MS Secretary of State 700 North Street P O Box 136 39202 Jackson, MS

ADDRESSEE LABEL

The Declaration Foundation Ms. Mary Parker Lewis Alexandria, VA 22304 **Executive Director** 4700 Surry Place

OPTIONAL LABEL

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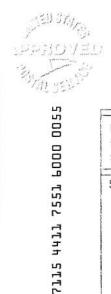
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Please contact your supplier

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A. Signature

B. Received by (Printed Name)

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CERTIFIED FEE	\$1.85	
RETURN RECEIPT FEE		

Mr. William L. Constantine Treasurer and CFO The Declaration Foundation 2400 Earlsgate Court Reston, VA 20190 1/26/2007 1:15 PM

TOTAL POSTAGE AND FEE'S

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2. Article Number

Form 3811 V

RETURN

RECEIPT

SERVICE

SENT TO:



RECEIPT FOR CERTIFIED MAIL
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NOT FOR INTERNATIONAL MAIL
(SEE OTHER SIDE)

COMPLETE THIS SECTION ON DELIVERY



ADDRESSEE LABEL

☐ Agent ☐ Addressee

C. Date of Delivery

The Declaration Foundation Mr. William L. Constantine 2400 Earlsgate Court Treasurer and CFO

Reston, VA 20190

B. Received by (Printed Name) C. Date of Delivery
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3. Service Type Certified 4. Restricted Delivery? (Extra Fee) X Yes
A. Signature X

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Stafford, TX 77477

1/26/2007 1:18 PM

PS FORM 3800

Law Offices of Maureen E. Otis, P. C.

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Maureen E. Otis, Esquire

4850 Wright Road, Suite 168

2. Article Number

1. Article Addressed to:

Stafford, TX 77477

1/26/2007 1:18 PM



RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(SEE OTHER SIDE)

COMPLETE THIS SECTION ON DELIVERY A. Signature ☐ Agent X ☐ Addressee C. Date of Delivery B. Received by (Printed Name) D. Is delivery address different from item 1? ☐ Yes If YES enter delivery address below: Certified 3. Service Type 4. Restricted Delivery? (Extra Fee)

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σ. Maureen E. Otis, Esquire Law Offices of Maureen E. Otis, 4850 Wright Road, Suite 168 Stafford, TX 77477

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Is it time to reorder?

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1. Article Addressed to:

Maureen E. Otis, Esquire Law Offices of Maureen E. Otis, P. C. 4850 Wright Road, Suite 168 Stafford, TX 77477

1/26/2007 1:18 PM

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